

REMARKS

Claims 1-18 have been examined. Claims 1-2, 8-10 and 13-18 have been rejected under 35 U.S.C. § 103(a) and claims 3-7 and 12 have been rejected under 35 U.S.C. § 103(a).

I. Preliminary Matters

Applicant thanks the Examiner for indicating that the replacement drawings filed on April 13, 2007 have been accepted.

II. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,071,119 to Christoff et al. (“Christoff”) in view of U.S. Patent No. 6,168,428 to Voudouris (“Voudouris”).

Claims 1-2, 8-10 and 13-18 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Christoff in view of Voudouris.

A. Claim 1

In the April 13, 2007 Amendment, Applicant argued that Christoff and Voudouris fail to teach or suggest the claimed wall portion which extends upward from an edge of the middle groove and faces the cover portion.

In the current Office Action, the Examiner maintains that the ramp portion 46 of Figures 2-5 of Christoff discloses the claimed wall portion. Applicant submits, however, that the ramp portion 46 of Figures 2-5 of Christoff does not extend upward from an edge of the middle groove. For example, the Examiner maintains that the spaced apart region between wings 26 and the spaced apart region between wings 28 correspond to the claimed middle groove formed along a direction perpendicular to the mesiodistal direction. *See* Office Action at page 3. However, as shown in Figure 2 of Christoff, the ramp portion 46 is disposed below the edge of wings 28 that

is closest to wings 26. In other words, if the claimed middle groove allegedly corresponds to the gaps between the wings 28 and wings 26 of Figure 2, the middle groove would extend from the bottom of the gap between wings 26 to the top of the gap between the wings 28. The ramp portion 46, which the Examiner alleges corresponds to the claimed wall portion does not extend upward from either end of the alleged middle groove, but rather is disposed between wings 28 and wings 26. Accordingly, Applicant submits that Christoff fails to teach the claimed wall portion because the ramp portion 46 is disposed between the two edges of the alleged middle groove. Since Voudouris fails to cure the deficient teachings of Christoff with respect to claim 1, Applicant submits that claim 1 is patentable over the cited references for at least the foregoing reason.

B. Claims 2, 9, 13 and 17

Since claims 2, 9, 13 and 17 are dependent upon claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

C. Claim 8

Since claim 8 contains features analogous to those discussed above in conjunction with claim 1, Applicant submits that claim 8 is patentable over the cited references for at least analogous reasons.

D. Claims 10, 16 and 18

Since claims 10, 16, and 18 are dependent upon claim 8, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Rejection under 35 U.S.C. § 103(a) over Christoff in view of Voudouris and in further view of U.S. Patent No. 6,071,118 to Damon (“Damon”).

Claims 3-7 and 12 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Christoff in view of Voudouris in further view of Damon.

A. Claim 3

Since claim 3 is dependent upon claim 1, and Damon fails to cure the deficient teachings of Christoff and Voudouris, in regard to claim 1, Applicant submits that claim 3 is patentable at least by virtue of its dependency.

In addition, claim 3 recites that the recess portion is a cut-and-rising portion having a convex portion that protrudes from an outer surface of the clip. The recess portion is operative to catch a clip release tool (claim 1).

The Examiner acknowledges that Christoff and Voudouris fail to teach or suggest the claimed convex portion recited in claim 3. Therefore, the Examiner refers to the Damon reference. The Examiner maintains that the elements 37 and 39 of Damon disclose the claimed convex portion.

As set forth in Damon, the rib 37 is provided with a groove 38 that engages with a manipulating tool (col. 8, lines 20-24). The Examiner maintains that it would have been obvious to modify the recess portion of Voudouris with the ribs 37/39 of Damon, “in order to provide an engagement means for a manipulating tool as taught by Damon.” (pg. 5 of Office Action). Applicant submits that such statement fails to provide proper motivation to combine the references. For example, the actual recess 140 of Voudouris is already provided as an

engagement means to receive a manipulating tool. In addition, according to column 8, lines 16-19 of Damon, the ribs 37/39 lightly rub along walls 33 to assist in maintaining the slide in an upright orientation and to further guide it while moving relative to the bracket 19. Thus, there is no actual catch for a manipulating tool and therefore ribs 37/39 do not serve as a convex portion (i.e., an engaging means) for a manipulating tool. Accordingly, even if Applicant assumed *arguendo* that element 30B of Voudouris does disclose a type of recess portion, the ribs 37/39 of Damon fail to teach or suggest any sort of convex portion. Thus, the alleged combination would fail to teach or suggest the claimed invention.

B. Claims 4-7 and 12

Since claims 4-7 are dependent upon claim 3, Applicant submits that such claims are patentable over the cited references at least by virtue of their dependency.

IV. Newly added claims

Applicant has added claims 19 and 20 to more particularly describe the claimed wall portion.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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